

**IN THE ABSTRACT:**

Please replace the as-filed Abstract with the attached Abstract:

### **REMARKS**

In response to the Office Action mailed April 10, 2007 (hereinafter “Office Action”), claims 1-17 have been amended. Claims 18-24 have been newly added. Therefore, claims 1-24 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. Reconsideration and the timely allowance of the pending claims, in view of the foregoing amendments and the following remarks, are respectfully requested.

### **INFORMATION DISCLOSURE STATEMENT**

Applicants thank the Examiner for considering the references cited in the Information Disclosure Statements filed on February 26, 2002, and December 23, 2004, as evidenced by the signed and initialed copy of the PTO-1449 Forms returned with the Office Action. However, it appears that the Examiner inadvertently missed initialing against the entry for U.S. Patent reference 5,909,485 in the PTO-1449 form that was filed February 26, 2002. Applicants request the Examiner to return the initialed and signed copy with the next Office Action.

### **AMENDMENT TO ABSTRACT**

The Abstract has been amended to remove the references to “(57)” and “(Figure 2)” .

### **REJECTIONS UNDER 35 U.S.C. § 101**

Claims 1-17 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

The Examiner alleges that claims 1-8, and 9-12 fail to produce any output being considered as a concrete and tangible result. Applicants respectfully disagree.

Applicants note that claim 1 has been amended to recite a method comprising, among other features, the feature of “calculating a charge for the call according to the tariff scheme of the indicated tariff model for the subscriber”. Therefore, Applicants submit that claim 1 is directed to statutory subject matter, for example, a method having a practical application

producing a concrete, useful and tangible result, e.g., “a calculated charge” for a call, as recited in claim 1. Claim 8 has also been amended to recite a method comprising, among other features, the feature of “charging the subscriber for the call by reducing a value of available credit on subscriber’s account during the call according to the tariff scheme of the tariff model”. Thus, Applicants submit that claim 8 is also directed to statutory subject matter, for example, a method having a practical application producing a concrete, useful and tangible result, e.g., “the reduced value of available credit on a subscriber’s account”.

Furthermore, Applicants submit that claim 9, as amended is a legally proper statutory claim directed to a telecommunications system comprising, among other things, “a network node configured to charge the subscriber according to the tariff scheme of the tariff model indicated directly or indirectly in the subscriber information”. Thus, claim 9 clearly provides a system having a practical application producing a concrete, useful and tangible result, for example, the “charging of the subscriber according to a tariff scheme of a tariff model”.

Applicants further remind the Examiner that that MPEP § 2107.02 II. states that “[u]pon initial examination, the examiner should review the specification to determine if there are any statements asserting that the claimed invention is useful for any particular purpose. A complete disclosure should include a statement which identifies a specific and substantial utility for the invention.”

Further, MPEP § 2107.02 II.A. states that “[a] statement of specific and substantial utility should fully and clearly explain why the applicant believes the invention is useful. Such statements will usually explain the purpose of or how the invention may be used (e.g., a compound is believed to be useful in the treatment of a particular disorder). Regardless of the form of statement of utility, it must enable one ordinarily skilled in the art to understand why the applicant believes the claimed invention is useful.”

Moreover, MPEP § 2107.02 III.A. states that “[a]s a matter of Patent Office practice, a specification which contains a disclosure of utility which corresponds in scope to the subject matter sought to be patented must be taken as sufficient to satisfy the utility requirement of §101 for the entire claimed subject matter unless there is a reason for one skilled in the art to question the objective truth of the statement of utility or its scope.” (Underlining emphasis in original.)

With this said, Applicants have provided ample disclosure for a specific and substantial utility for the invention. For example, the written description discloses, in one embodiment, “as shown in Figure 3”, how the charging base for a call made by a prepaid subscriber is determined based on the voucher type and tariff model information, wherein for example, the SCP network element of the telecommunication system also keeps track of the available credit of the prepaid subscriber and the telecommunication system includes a database (for example, in an SMP) having subscriber information, information about vouchers, profile definitions, and tariff models (see, specification, at least paras. [0022], [0033]-[0039]).

Applicants submit that each of the independent claims 1, 8, and 9 recite features that are consistent with these disclosures and provide a practical, real world application. Applicants’ disclosure of utility, which corresponds in scope to subject matter sought to be patented, *must* be taken as sufficient to the utility requirement of 35 U.S.C. § 101 for the entire subject matter, *unless* there is reason for one skilled in the art to question the objective truth of the statement of utility or its scope.

The Examiner further alleges that claims 13, and 14-17 do not fall into any of the statutory classes of invention. Applicants submit that claims 13-17 have been amended to provide legally proper and statutory claims.

For at least these reasons, Applicants submit that claims 1-17 are clearly directed to statutory subject matter and are patentable. As such, immediate withdrawal of 35 U.S.C. § 101 rejections with respect to these claims is respectfully requested.

#### **REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 9-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Applicants submit that amendments to the claims render the rejections moot. Hence, withdrawal of the rejections is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-3, and 9-11 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by O'Neil (U.S. Patent No. 6,226, 364). Applicants respectfully traverse the prior art rejections, under 35 U.S.C. §102(e), for the reasons presented below.

Independent claim 1 positively recites, inter alia, the features: maintaining *subscriber information on at least one subscriber* of a telecommunications network; maintaining at least *two different tariff models, each model containing a tariff scheme defining how to charge a call; indicating in the subscriber information* directly or indirectly *which tariff model is to be used with this subscriber*; and *calculating a charge for the call according to the tariff scheme* of the indicated tariff model for the subscriber.

With this said, Applicants respectfully submit that the O'Neil citations relied upon by the Examiner do little in the way of establishing anticipation. First, Applicants submit that the Examiner has failed to clearly specify which elements or portions of O'Neil teach each of the features of the claimed invention. Specifically, the Examiner alleges that “subscriber information on at least one subscriber” of claim 1 is similar to the “user profile” of O'Neil. O'Neil does not mention “user profiles” at all, hence, it is unclear as to which element or portion of O'Neil is being equated to the “subscriber information” of claim 1 by the Examiner. The only profile mentioned by O'Neil is a customer service profile which includes prepaid rating parameters and postpaid rating parameters. This customer service profile does not maintain any *subscriber information on at least one subscriber*.

Second, the Examiner alleges that the at least two traffic models of claim 1 are similar to O'Neil's local, long distance, international rates and roaming rates. The Examiner has failed to indicate an element or portion of O'Neil that teaches each model containing a traffic scheme defining how to charge a call. O'Neil only mentions prepaid and postpaid rating parameters, and does not disclose local, long distance, international or roaming rates. Moreover, rates or tariffs do not correspond to tariff models containing a tariff scheme. Figure 2 of the as-filed specification clearly depicts traffic models 1 and 2 with unique traffic schemes that define how to charge a call. O'Neil fails to teach or suggest maintaining at least *two different tariff models, each model containing a tariff scheme defining how to charge a call*.

As indicated above, since O'Neil fails to disclose or suggest “subscriber information” or “tariff models containing tariff schemes”, O'Neil also fails to teach or suggest *indicating in the subscriber information* directly or indirectly *which tariff model is to be used with this subscriber*. Applicants further submit that it is unclear from the Examiner’s citation “based on the calling or dialed number”, as to which element or portion of O'Neil teaches this feature according to the Examiner.

Column 14, lines 1-12 of O'Neil discloses account information including rating parameters that the a billing system uses to compute charges for various calls detailed in CDRs (call detail records). The CDR database contains, for each monitored telephone call, call parameters, such as, starting and ending cell cites, calling and called directory numbers, and the duration of the call. So, O'Neil teaches that based on a calling number in a CDR, the rating parameters are determined. There is no mention in O'Neil, whatsoever, of *calculating a charge for the call according to the tariff scheme of the indicated tariff model*.

Thus, for at least these reasons, Applicants submit that O'Neil fails to teach all the features of claim 1. Hence, claim 1 is allowable and withdrawal of the rejection is respectfully requested. Claim 9 recites similar patentable features as claim 1, claim 9 is also patentable for the same reasons given relative to claim 1. Claims 2-3, and 10-11 depend, either directly or indirectly, from one claims 1 and 9, and are patentable at least by virtue of dependency as well as for their additional recitations. Hence, withdrawal of the rejections of claims 2-3, and 9-11 is respectfully requested.

#### **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 4-8, and 12-17 stand rejected under 35. U.S.C. § 103(a) as allegedly being unpatentable over O'Neil. Applicants respectfully traverse the prior art rejections, under 35 U.S.C. §103(a), for the reasons presented below.

The Examiner alleges that O'Neil discloses a prepaid card system and method using at least two different types of vouchers or payment systems such as credit card or debit card for making deposits into subscribers prepaid accounts. The credit or debit bank account of O'Neil is provided as an alternate payment source to be charged when the balance in the

account exceeds an established credit limit. The credit or debit bank account is not the same as a voucher bought by a customer to be able to make prepaid calls.

The Examiner admits that O'Neil fails to disclose *attaching one tariff model at least to each of said different types of vouchers*, indicating in the subscriber information the type of voucher the subscriber is currently using and *determining the tariff model to be used on the basis of the voucher* the subscriber is currently using. However, the Examiner alleges that charging and billing one tariff model to a type of voucher is well known in the art (based on the discussion in the background section of the as-filed specification). Applicants disagree. The background section does not discuss the use of voucher type in the charging of calls. In other words, calls are charged in a same manner regardless of the voucher type used. There is also no mention of storing the voucher type currently in use. It appears that the Examiner has engaged in hindsight reconstruction to allegedly arrive at Applicants' claimed invention. Thus, Applicants submit that O'Neil fails to teach or suggest at least the following features of independent claims 8, and 17 and dependent claims 4, 12, and 16, in addition to the features discussed in the section for rejections under 35. U.S.C. § 102: attaching at least to each of the two types of vouchers one tariff model, and determining the tariff model to be used on the basis of the voucher the subscriber is currently using. Accordingly, immediate withdrawal of the prior art rejections of claims 4, 8, 12, 16, and 17 is respectfully requested.

Furthermore, Applicants submit that, since claims 4-7 depend from claim 1, either directly or indirectly, claims 4-7 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the prior art rejections of claims 4-7 is respectfully requested.

Applicants further submit that because independent claims 13, 14, and 17 recite similar patentable features as one of claims 1, 8, and 9, claims 13, 14, and 17 are also patentable for the same reasons set forth above. And, because claims 12, 15, and 16 depend from one of claims 9 and 14, claims 12, 15, and 16 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, immediate withdrawal of the prior art rejections of claims 12-17 is respectfully requested.

The newly added independent claims 18, 19, 22, 23, and 24 also recite similar patentable features as one of claims 1, 8, 9, 13, 14, and 17 and are patentable for the same reasons set forth above. And, because claims 20 and 21 depend from claim 19, claims 20 and 21 are patentable at least by virtue of dependency as well as for their additional recitations. Hence, allowance of the newly added claims is respectfully requested.



**CONCLUSION**

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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